

Meeting Notes
Tenant Work Group
Wednesday, February 11, 2009
6:30-8:30pm
Executive Conference Room
101 Monroe Street
Rockville, MD 20850

Work Group Members in attendance: Matt Losak (Chair), Dale Tibbitts, Guy Johnson, Harrietta Kelly, Felicia Eberling, Dawn Wunderle, Shaun Pharr
Via Conference Call: Parag Khandhar, Alice Wilkerson, Rick Nelson

Staff participants: Patrice Cheatham, DHCA; Megan Moriarty, IMPACT Silver Spring

Agenda

- Review of previous meeting's minutes
- Review Committee Work Plans
- Updates on survey and public meetings
- Public Comment

Notes:

Matt Losak called the meeting to order at 6:30pm. The previous meeting's minutes were reviewed and approved. Matt reminded the group that while they don't want to lose momentum, they should be realistic about scheduling and completing work. Matt offered assistance to any committee that needs it.

The group then moved to discuss the revised Committee work plans (see attached plans).

Committee 1: Tenant Security and Affordability

Guy Johnson reviewed the group's work plan and the assignments of tasks.

Committee 2: Code Update and Enforcement

Dale Tibbitts reported on the committee's plan and noted how intertwined their issues are with those of other committees. Sean Pharr asked for a bullet to outline tenants' responsibilities and it was agreed that responsibilities of tenants and landlords should be clear.

Rick Nelson reported the attorney responsible for Landlord-Tenant issues is on maternity leave until the middle of March. The group decided to wait until she returns to schedule the code review session.

Committee 3: Landlord-Tenant Communication and Tenant Advocacy

Dawn Wunderle reviewed the group's updated work plan with modified dates and task assignments. Felicia Eberling offered to connect the group to renters through her email list.

Committee 4: Seniors and Special Needs

Maureen Ross did not attend the meeting and will email the committee plan to the group.

Matt asked that each committee to cite sources used for research. The group will approve the final work plans at the next meeting. They can be modified as necessary. He is working to see that the website is more interactive, so the group can gather information that way.

To accommodate the participant from the public, Dale requested the group change the agenda and allow him to speak before the end of the meeting. Burt Balducci presented the following opinions: most renters will not attend public meetings for fear of recrimination, so the group should solicit input via email and mail also; it is not clear that code enforcement is impartial; his manager is not providing emergency procedures and he feels all residents should have to participate in fire drills so they are prepared in the event of a real fire; he recommend the group define what the optimal situation for a renter in the County would be and then use that to decide if a policy or procedure is adequate or should be changed.

Alice Wilkerson reported that she and Chuck have two quotes for a mail survey in two languages (English and Spanish) that will cost approximately \$10,000. They are working to finalize costs printing and postage cost before making a final decision. Parag Khandhar expressed concern that a survey that does not include more languages will result in biased results, since many limited English speakers will not be able to complete it. He offered to work with Alice and Chuck to figure out other options. Alice and/or Parag will find out the percentage of languages spoken in the County (aside from English and Spanish).

Megan Moriarty reviewed the public meeting schedule: Mar. 18, Holiday Park Senior Center; and Mar. 30, East County Regional Center.

Matt adjourned the meeting at 8:30pm.

Upcoming Meetings:

Wednesday, February 25, 6:30 pm., County Executive's conference room

Wednesday, March 4, 6:30 pm., County Executive's conference room

Committee 1 - Tenant Security and Affordability

Committee objectives

List of priority issues

1. Foreclosure Crisis (Complete by February 20th)
 - a. Rights of renters in foreclosed homes in Montgomery County (by 2/16) [Guy]
 - b. Available local statistics (by 2/16) [Felicia – with help from Rick Nelson]
 - c. Tenant notification requirements for landlords who want to sell / have sold (by 2/16) [Guy]
 - d. National responses: pending legislation, best practices (by 2/16) [Zack]
2. Transit-Oriented Development (Complete by March 6th)
 - a. Overview of Purple Line plans and expanded Bus Line plans (by 2/27) [Zack]
 - b. Impact of transit development on housing stock (by 2/27) [Marc]
 - c. Impact of transit development on property values and rents (by 2/27) [Felicia]
 - d. Possibility for tenant displacement (by 2/27) [Guy]
 - e. Condo Conversion (by 2/27) [Guy]
 - f. Examples of transit oriented development: local and national (by 3/6) [Chuck]
3. Leases (Complete by March 27th)
 - a. automatic renewals vs month-to-month: benefits and problems (by 3/12) [Lesia]
 - b. Chart comparison between under lease and month-to-month: (by 3/27)
 - i. Possibility of rent increases (by 3/20) [Marc]
 - ii. Associated fees and costs (by 3/20) [Felicia]
 - iii. Eviction and use of courts: rights and remedies (by 3/27) [Guy]
 1. Retaliatory eviction
 2. Harassment
 3. No-fault / just-cause evictions
 - iv. Sense of security (by 3/27) [Chuck]
4. The Pros and Cons of Renting vs Ownership (Complete by May 1st)
 - a. Overview: desirability of owning versus renting (by 5/1) [Chuck]
 - b. Economic viability of owning rental units (by 4/17) [Felicia]
 - c. Tenant right to purchase programs (by 4/24) [Marc]
 - d. Community land trusts (by 4/24) [Guy]
5. Rental Costs (Complete by May 30th)
 - a. Utilities (by 5/8) [Guy]
 - i. Rising cost
 - ii. How they are divided
 - iii. Energy conservation
 - iv. Local and national examples
 - b. Cable Television (by 5/15) [Lesia]
 - i. Cost of cable
 - ii. Cable regulation and choice
 - iii. Local and national examples

- c. Security Deposit and apartment rental costs (by 5/22) [**Felicia**]
 - i. Benefits and burdens to tenants
 - ii. Local and national models
- d. Government Programs (by 5/30) [**Chuck**]
 - i. Status and funding levels
 - ii. Need
 - iii. National examples

Final Product

At the end of the process, the committee will have prepared a bibliography of suggested readings for each of the above issues (including headings and subdivisions), as well as at least one policy suggestion for each major topic (numbers 1-5, not necessarily including sub-sections) and a ranking of policy priorities for each major topic (numbers 1-5, not necessarily including sub-sections).

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Committee 2 - Code Update and Enforcement Work Plan

Members: Dale Tibbitts (Chair), Rick Nelson, Alice Wilkerson, Harrietta Kelly

Note: Alice Wilkerson will be in Annapolis until April 7

This committee will study the issues listed below and how they are manifested in legislation. We will gather initial information about the legislative code that affect Montgomery County renter. Research best practices around the nation to compare and contribute to Montgomery County's policies and practices. We will summarize current Montgomery County code and make recommendations for improvement.

The report will be as much informational as it will contain recommendations. By collecting the information that affects renters from various sources into the TWG final report will be most valuable for renters, landlords, and government officials.

A difficulty with the assignment for this committee is amount of overlap with other three committees. We will be looking at the law which is just the codification of many of the policies the other committees are reviewing.

Rick Nelson's office is attempting to schedule the County Attorney and staff from the Landlord – Tenant Commission to present to the TWG February 25 or March 4.

Local, State, Federal

- To broad of a category to address generically.
- Review bills submitted in the state legislature since 2002 for the issues addressed and particularly the bills which were not enacted. Examples - Condo conversion, Source of income, Retailiatory action, Just cause eviction, others. Present summary of bills and solicit input from the TWG whether the issues in the bills not passed should be pursued. **Completed Feb. 27**

Absentee Landlords **Completed by March 6**

- Access to the real owner to hold feet to the fire, hold them accountable
- What is the law regarding registered agents?
- Are they distant and disinterested?
- Also address local, but absent landlords.

Safety **Completed by March 20**

- Is rental housing safe?
 - Is the structure physically safe (see Code Enforcement)?
 - Is the
- What is the crime rate in/around rental properties?
- What is in the law specifically addressing the issue of rental housing safety? Is the code sufficient?
- Cameras, door, people, security patrols, lighting, entrances
- Equity of codes HOA, townhomes vs multifamily?

Parking **Completed April 3**

Is it in the rent or purchased separately?

Can parking be rented out?

How much parking is required in new buildings? Can the building be cheaper (and the rent cheaper) if less parking is required? Would less parking be a good thing or a bad thing for tenants?

Code Enforcement

County Attorney

Housing code enforcement **Complete by April 17**

- How are the codes enforced?
- How do tenants know what is (or is not) a violation and what is the procedure to remedy it?
- How to pursue enforcement.
- What are occupancy standards? Why do they exist and are set correctly?

Rental code enforcement **Complete by May 1**

- How are the codes enforced?
- How do tenants know what is (or is not) a violation and what is the procedure to remedy it?
 - How to pursue enforcement.
- Conflict resolution – mediation between landlords and tenants
 - “Not our responsibility”
 - Security deposit disputes
- Can leases be made (required to be made) more understandable to avoid disputes?
- Review the Landlord-Tenant Handbook for recommended improvements
- Review Landlord-Tenant code for possible inequities

Finalize Committee report May 22

HOC allocations

Insufficient

Discrimination

Seniors and special needs. Committee 4?

Source of income enforcement

Office of Human Rights

Foreclosed/Sold and the renter is put out. Can the renter be surprised kicked out?

This issue is being address by Committee 1, Foreclosue Crisis.

Committee 3 – Landlord/Tenant Communication

Committee Members: Head Chair – Dawn Wunderle, Committee Members – Parag Rajendra Khandar, Patrice Cheatham and Harrietta Kelly.

Committee Objectives – Review existing Landlord-Tenant Laws and communication methods to identify barriers, analyze and determine potential solutions to recommend necessary policy changes in order to improve overall quality of life and effectiveness of communication.

Priority Concerns

1. Review Existing Tenant-Landlord Laws (all committee members by 2/16/09)
 - a. Obtain and distribute Tenant-Landlord Handbook (Patrice by 2/9/09)
 - b. Obtain and distribute examples of standard Montgomery County leases (Dawn by 2/11/09)
 - c. Obtain and distribute documentation for existing Montgomery County Tenant-Landlord Complaint process (Dawn by 2/11/09)
 - d. Review existing Tenant-Landlord Handbook, Complaint and communication processed in place in Montgomery County (all committee members by 2/16/09)
 - e. Identify barriers and recommend solutions (all committee members by 3/1/09)
2. Review Existing Tenant Advocacy Structures (Parag by 2/9/09)
 - a. Complete research already begun by IMPACT Staff (Parag by 2/20/09)
 - b. Create a pros and cons sheet to assess each structure (Committee by 3/15/09)
 - c. Estimate possible costs for each option (Committee/IMPACT by 4/1/09)
 - d. Recommendations Memo for possible county-wide structure (by 4/15/09)
 - e. Research existing rights of Tenants' Associations and Tenants' Right to Organize in Montgomery County (Parag by 2/28/09)
 - f. Research communication of these rights to tenants/landlords (Parag by 2/28/09)
 - g. Research various state, county, and local protections available in other jurisdictions (DC, etc) (Committee by 2/28/09)
 - h. Assess whether there legislative or regulatory changes that County can make (3/31/09)
 - i. Collect Client and Tenant Stories about how more protections could have helped to preserve affordable housing or prevent retaliatory actions by landlords. (3/31/09)
 - j. What available resources exist to support tenant organizing (buildings, neighborhoods, Cities, County)? (3/31/09)
 - k. Recommendations Memo (4/15/09)
3. Review and Identify Potential Tenant-Landlord Communication Concerns (Parag by 2/9/09)
 - a. Analysis of demographic information – LEP community; LEP and low-income (Parag by 2/28/09)
 - b. Conduct short survey of nonprofit service providers about needs for language services regarding landlord/tenant issues (can survey all agencies who receive County money as a start) (Committee by 3/15/09)
 - c. Assess issues in communications between landlords and tenants (Parag by 3/15/09)

- d. Assess communications between HOC/Montgomery County Housing Agencies and tenants regarding new programs and rights (+ with LL concerning responsibilities) (by 3/15/09)
 - I. HOC/other agencies – how do they address language needs of LL & T?
 - II. Mailed/Called Notifications from Government Agencies to LL & T
 - e. Assess access to in-language legal advice and services for low-income, LEP tenants (Parag by 3/31/09)
 - I. Access to legal service providers for LEP tenants?
 - II. District Court – materials and resources available in other languages at the courthouse? What options/alternatives are available for interpreters?
 - f. Assess forms and forums for explaining rights and responsibilities for LL & T.
 - g. Recommendation Memo (Committee by 4/30/09)
 - h. Language barriers
 - i. Limited access to telephone or computer
 - j. Available resources
 - k. Existing communication process
 - l. Existing Tenant Advocacy structures (right to organize)
 - m. Mandating standard leases in Montgomery County to reduce confusion
 - n. Proposed communication process
4. Review Existing Education for Tenants and Landlords (Parag by 2/9/09)
- a. Rights and responsibilities
 - b. Available resources – IMPACT
 - c. DHCA and DHSS resources (Dawn by 2/19/09)
5. Review Existing Best Practices (Patrice to obtain from Megan by 2/9/09)
- a. Examples of Legislative/Governmental Efforts
 - DC - Office of Tenant Advocate Tenant Advisory Council
 - Tenant Opportunity to Purchase Act (TOPA) – but these types of laws need funding to make them work
 - LA - Housing Department, Code Enforcement Division
 - <http://cris.lacity.org/cris/informationcenter/code/index.htm>
 - Systematic Code Enforcement Program:
 - Designed to routinely inspect all residential rental properties with two or more housing units on a four-year cycle and to respond to reports of property violations. Inspections are conducted to ensure the safety and habitability of all occupied rental dwelling units.
 - b. Examples of Non-profit Programs
 - Somerville, MA:
 - <http://www.welcomeproject.org/advocacy.html>
 - The Welcome Project's Tenant Advocacy Initiative helps families increase their understanding of the various systems they must negotiate. In the course of delivering a range of advocacy services, we also provide oral interpreter services, written translation, and information and referral services in Spanish, Haitian Creole, Vietnamese, and English. When Somerville residents use The Welcome Project's services at the Somerville Housing Authority, the Immigration office, or at an

appointment with their child's teacher, they become able to take care of the business to which they must attend, without the fear and confusion that is common to people negotiating complex systems in a new country and in a foreign language. Thus, they take a step toward self-sufficiency and fuller participation in society.

- DC - Tenants' Advocacy Coalition <http://www.tenac.org/>
- Latino Economic Development Corporation <http://www.ledcdc.org/>
- LEDC helps tenants take the first step toward preserving affordability and preventing displacement by organizing tenant associations and negotiating with building owners and management for improved conditions. LEDC assists residents in asserting their rights to fair and decent housing. We provide technical assistance which helps residents work together in documenting and reporting code violations and talking with management. By helping tenants improve conditions, LEDC prevents building owners from using this strategy to displace residents and helps tenants retain their affordable housing.

- NYC - Housing Conservation Coordinators
- <http://www.hcc-nyc.org>
- Housing Conservation Coordinators is a community-based, not-for-profit organization anchored in the Hell's Kitchen/Clinton neighborhood of Manhattan's West Side. We are dedicated to advancing social and economic justice and fighting for the rights of poor, low-income and working individuals and families. With a primary focus on strengthening and preserving affordable housing, we seek to promote a vibrant and diverse community with the power to shape its own future.

- Strycker's Bay Neighborhood Council, Inc.
- <http://www.stryckersbay.org/TenantAdvocacy/OurPhilosophy/tabid/326/Default.aspx>
- With experience come knowledge and an abundance of critical information tenants need to protect their rights and their homes. Strycker's Bay has over 48 years of frontline experience in the community, with partner organizations, NYC and NYS government housing agencies and the NYC housing court system. We understand that knowledge is power and insure that tenants have access to up-to-date information needed to protect their rights and secure decent affordable housing. Eviction prevention program.

- Minnesota - HOME Line
- <http://www.homelinemn.org/>
- Provides free legal, organizing, education and advocacy services so that tenants throughout Minnesota can solve their own rental housing problems. We work to improve public and private policies relating to rental housing by involving affected tenants in the process.

- Montgomery County - IMPACT Silver Spring
- Renter and property manager leadership development
- Property Managers' Luncheons

6. Proposed Changes (all committee members by 4/30/09)